

# **CIVIL APPOINTMENTS PROCEDURES**

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

**JON W. SANFILIPPO  
CLERK OF COURT**

## **CIVIL APPOINTMENTS PROCEDURES**

### **I. THE LIST OF VOLUNTEERING COUNSEL**

- A. All volunteering counsel will be placed on a list of available counsel. This list will be maintained in the Office of the Clerk of Court.
- B. Volunteering counsel must be members of the Bar of this Court.
- C. Counsel desiring to volunteer shall notify the Clerk of his/her desire to accept pro bono appointments in this Court and of any case preference (e.g., social security, civil rights, Title VII).
- D. Law Firms may volunteer as a firm for a given number of positions on the volunteer list. Each volunteering firm will assign one attorney to coordinate the firm's efforts. The firm itself may select the attorney who will actually handle an assigned case.
- E. Volunteering counsel may withdraw from the volunteer list by notifying the Clerk in writing.

### **II. THE APPOINTMENT OF COUNSEL**

- A. Upon determining that an appointment of counsel may be appropriate, the Court will either:
  - 1) make an appointment without regard to the volunteer list, or
  - 2) notify the Clerk's Office of the type of case and that an appointment is to be made from the volunteer list.
- B. The Clerk will then select counsel according to the following procedure:
  - 1) Unless otherwise instructed by the Court, the Clerk will select counsel from the volunteer list on a rotating basis.
  - 2) The Court may instruct the Clerk to limit selection of counsel to volunteering attorneys practicing in a particular geographical area or to volunteering attorneys expressing a preference for a particular type of case.
- C. Before making an appointment, the Court will write to the attorney

selected to inquire if there is good cause why the attorney cannot accept the appointment (e.g., conflict of interest, no time available). The attorney will be given 14 days to review the file and contact the prospective client before deciding whether to accept the appointment.

- 1) If the attorney accepts the appointment, the Court will enter an appropriate order. If appropriate, the order will also grant counsel leave to amend pleadings.
  - 2) If the attorney declines appointment, the Clerk shall provide the Court with a new name selected in the same manner as the first was chosen.
  - 3) If the attorney declines appointment for a reason deemed sufficient by the Court, the attorney's name will be returned to the Clerk's volunteer list. If the attorney's reason for declining appointment is not deemed sufficient, the attorney's name will be removed from the volunteer list and the attorney shall be so notified at once.
- D. In all cases in which a volunteering counsel is appointed, unless the Court orders otherwise, or the parties stipulate otherwise, counsel may swear the deponent and the deposition may be tape recorded and transcribed by the deposing counsel's secretary, in lieu of the procedures normally followed under Rule 30, Federal Rules of Civil Procedure. The tape shall be preserved until all parties stipulate to the accuracy of the transcription or until the Court resolves any controversies concerning transcription.
- E. Volunteering counsel are under no obligation to advance costs or disbursements, but they may do so notwithstanding any disciplinary rule to the contrary.